

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GABRIEL SANTACRUZ,

Petitioner,

v.

JERRY HOWELL, et. al,

Respondents.

Case No. 2:20-cv-00847-RFB-BNW

ORDER GRANTING MOTION TO STAY
(ECF NO. 21)

This action is a petition for writ of habeas corpus under 28 U.S.C. § 2254 brought by Gabriel Santacruz who is incarcerated at Southern Desert Correctional Center serving an aggregate sentence of life with a minimum of 38 years. On October 27, 2020, the deadline for his second amended habeas petition, Santacruz filed a motion to stay this case alleging that due to the current COVID-19 pandemic, his counsel is unable to conduct the necessary investigation to file the amended petition. ECF No. 21. In responding to the motion, Respondents indicate they do not oppose a limited stay, but object to delaying this proceeding indefinitely. ECF No. 22.

The Court finds that Santacruz has shown good cause to stay this action until it is possible for his counsel to conduct an adequate investigation in support of his forthcoming second amended habeas petition. The Court will grant the motion to stay and stay proceedings until such conditions, with respect to the pandemic, allow Santacruz's counsel to conduct the investigation necessary to file a second amended petition. See Ryan v. Gonzales, 568 U.S. 57, 74 (2013) (“[T]he decision to grant a stay, like the decision to grant an evidentiary hearing, is generally left to the sound

1 discretion of district courts.” (citation omitted)). The Court will require, however, periodic status
2 reports from Santacruz during the stay.

3 IT IS THEREFORE ORDERED that Petitioner’s motion to stay (ECF No. 21) is
4 GRANTED. This action is STAYED. The Clerk of the Court is directed to update the docket to
5 reflect the stay of this case and close this case administratively.

6 IT IS FURTHER ORDERED that Petitioner shall file a status report by May 15, 2021, and
7 then every six months thereafter (i.e., by November 15, 2021, May 15, 2022, etc.), informing the
8 court of his position regarding whether the stay should remain in place. Respondents may respond
9 to any such status report within 20 days; Petitioner may then reply within 10 days.

10 IT IS FURTHER ORDERED that either Petitioner or Respondents may file a motion at
11 any time to lift the stay based on changed circumstances.

12 Dated: November 16, 2020.

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15 RICHARD F. BOULWARE, II
16 U.S. District Judge
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